

1 Thomas F. West and Diana M. West  
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3 Las Vegas, Nevada 89130  
4 Telephone (702 ) 656-3081  
5 Plaintiffs in Proper Person

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UNITED STATES DISTRICT COURT  
District of Nevada

THOMAS F. WEST and DIANA M. WEST      )  
PLAINTIFFS                                  ) Case No.: 2:10-cv-01966-JCM-PAL  
vs.    )  
BANK OF AMERICA, N.A. and                ) RESPONSE TO MINUTES OF THE COURT  
BANK OF AMERICA HOME LOANS and        ) regarding the requirement of Klingele v.  
BAC HOME LOANS SERVICING LP and        ) Eikenberry and Rand V. Rowland  
MERS - Mortgage Electronic Registration    )  
Services                                     )  
DEFENDANTS                                    )

Thomas F. West and Diana M. West, Plaintiffs, in proper person, submit their response to the Minutes of the Court indicating that a party or parties have filed a motion to dismiss, motion for judgment on the pleadings or a motion for summary judgment. The Minutes of the Court only identify Bank of America Home Loans Servicing, LP.

Plaintiffs received the notice of the Minutes of the Court on November 18, 2010 and file this response within the required timelines as outline therein. Additionally, Plaintiffs have not been served with any documentation except the Minutes of the Court on a pending Motion to Dismiss, Motion for Judgment on the Pleadings, or a Motion for Summary Judgment. It is the intention of the Plaintiffs to sue all parties in regard to this alleged mortgage loan. It never has been our intention to bring suit against just one of many of the servicing entities held by Bank of America N.A. and/or Bank of America Home Loans. Plaintiffs have filed an Amended

1 Complaint which also names MERS- Mortgage Electronic Registration Systems, as an additional  
2 defendant as well as Bank of America N.A., parent company of Bank of America Home Loans  
3 and BAC Home Loans Servicing LP and one of the originators of MERS. The Amended  
4 Complaint retains Defendant Bank of America Home Loans, as the entity identified as the  
5 company who took over the Countrywide, et al loans which were purchased by Bank of America  
6 et al.

7 Therefore Plaintiffs oppose the pending motions filed by a party or parties unidentified as  
8 not all Defendants in this case have responded to the Amended Complaint filed on November 22,  
9 2010 pursuant to Fed. R. Civ. P. 15(a) and 1(b); Said Amended Complaint was duly served on  
10 all parties on November 22, 2010 and November 23, 2010 respectively. No response to the  
11 Original Complaint duly filed and served on October 18, 2010 in Eighth Judicial District Court  
12 which Defendant was duly served on October 20, 2010 has been received. Defendant's counsel  
13 has noted that the Defendant named in the original Complaint was done so erroneously but does  
14 not provide any supporting statements or documentation to that affect. Additionally, Plaintiffs  
15 have not be noticed of any correspondence, meetings or hearings with Judge James C. Mahan,  
16 U.S. District Judge, and were not provided opportunity to be represented or be present during the  
17 requests apparently presented at that time.

18 Plaintiffs request that time be allowed so that the additional Defendants can file their  
19 responses as required by law before any Motions for Dismissal or any other Motions by only  
20 one of the Defendants be heard by this court.

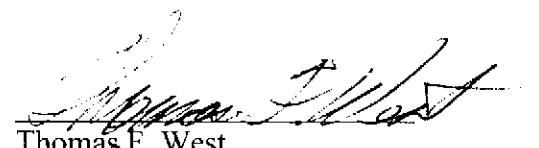
21 In reference to Defendant's, BAC Home Loan Servicing LP counsel, to Klingele v.  
22 Eikenberry their reference to this case is only regarding one supposed knowledge of a Motion for  
23 Summary Judgment. This is once again highly opportunistic and premature on the part of only  
24 one of the Defendants counsel when legal response to the Amended Complaint has not been filed  
25 with this Court.

26 Plaintiffs have not been served with any form of Motion except from the Minutes of  
27 Court alluding to the fact that there is a pending Motion by a party or parties, which party or  
28 parties have not clearly been identified. In fact, Plaintiffs have not received any Response to the  
Complaint nor the Amended Complaint filed and properly served, and Plaintiffs would ask the

1 Court if this a premature attempt by only one of the Defendants in this case to circumvent  
2 discovery as well as court procedure and remove a Defendant that has been justly and duly  
3 named as a party in this case.

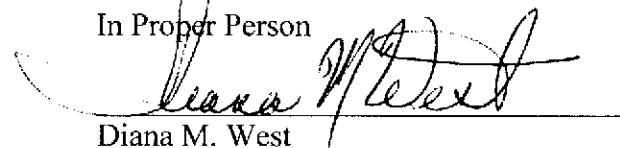
4 Therefore Plaintiffs petition the Court to remove the pending Motions, of whatever form  
5 they may exist, and stay all motions until such time as all Defendants in this case have had the  
6 opportunity to respond to the Complaint as filed on November 22, 2010.  
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8 Dated this 1 day of December, 2010.

9   
10 Thomas F. West

11 Plaintiff

12 In Proper Person

13   
Diana M. West

14 Plaintiff

15 In Proper Person

UNITED STATES DISTRICT COURT  
For the District of Nevada

THOMAS F. WEST AND

DIANA M. WEST

## Plaintiffs

VS.

BANK OF AMERICA, N.A. and

BANK OF AMERICA HOME LOANS and

## BAC HOME LOANS SERVICING LP and

## MERS - Mortgage Electronic Registration

### Services

## Defendants

CERTIFICATE OF MAILING

I, Thomas F. West, hereby certifies that a copy of the Response to Minutes of the Court filed on the / day of December, 2010, in the above-entitled case was mailed by me on December /, 2010 by depositing copies thereof in a sealed envelope, first-class postage prepaid, in the United States mail, to

Ariel E. Stern, Esq.  
Akerman Senterfitt LLP  
400 South Fourth Street, Suite 450  
Las Vegas, NV 89101

Christine M. Parvan, Esq.  
Akerman Senterfill LLP  
400 South Fourth Street, Suite 450  
Las Vegas, NV 89109

Bank of America, N.A.  
Brian Maynihan, President, CEO  
100 N. Tryon St.  
Charlotte, NC 28263

1                   Certificate of Mailing, cont'd  
2  
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4                   Bank of America Home Loans  
5                   Barbara J. Desoer, President  
6                   333 So. Hope  
7                   Los Angeles, CA 90072-1406

8                   BAC Home Loans Servicing, LP  
9                   400 National Way  
10                  Simi Valley, CA 93065-6285

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13                  MERS - Mortgage Electronic Registration Systems  
14                  RK Arnold, President CEO  
15                  1818 Library Street, Suite 300  
16                  Reston, VA 20190

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Dated: December 1, 2010



Thomas F. West  
Plaintiff  
In Proper Person